

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 99

REPEALS, SAVINGS CLAUSE AND EFFECTIVE DATE

600.9901 Repeal.

Sec. 9901. The following acts and parts of acts, as amended, are hereby repealed:

(1) Revised Statutes of 1846,

| Chapter | Section Numbers | Compiled Law Sections (1948) |
|---------|--------------------|---------------------------------------|
| 43 | 11 to 14 | 692.311 to 692.314 |
| 107 | 26 | 691.626 |
| 110 | 1 to 11 | 692.401 to 692.411 |
| 111 | 1 | 692.451 |
| 130 | 1 to 18 | 692.1 to 692.18 |
| 150 | 10 | 691.830 |
| 150 | 12 | 691.832 |
| 150 | 14 | 691.834 |
| 150 | 16 | 691.836 |
| 150 | 20 | 691.840 |
| 150 | 43 | 691.843 |

(2) Public Acts,

| Year of Act | Public Act Number | Section Numbers | Compiled Law Sections (1948) |
|-------------|-------------------------|--------------------|---------------------------------------|
| 1848 | 38 | | 691.581 and 691.582 |
| 1869 | 67 | | 691.431 to 691.434 |
| 1879 | 148 | | 692.19 |
| 1885 | 133 | | 692.31 |
| 1893 | 204 | | 691.441 to 691.466 |
| 1895 | 26 | | 691.411 to 691.416 |
| 1895 | 125 | 18 and 22 | 691.248 and 691.252 |
| 1897 | 144 | | 691.731 to 691.737 |

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| 1897 | 183 | 691.301 to 691.352 |
| 1899 | 21 | 691.348a |
| 1901 | 41 | 691.348b |
| 1903 | 22 | 691.348c |
| 1903 | 31 | 691.473 and 691.474 |
| 1905 | 107 | 692.201 to 692.203 |
| 1905 | 272 | 691.261 to 691.266 |
| 1905 | 280 | 691.591 |
| 1911 | 86 | 691.761 and 691.762 |
| 1911 | 233 | 691.571 |
| 1915 | 200 | 691.681 |
| 1915 | 217 | 691.691 to 691.693 |
| 1915 | 242 | 691.221 |
| 1915 | 314 | 600.1 to 681.13 |
| 1917 | 200 | 602.46b |
| 1917 | 214 | 691.871 to 691.873 |
| 1917 | 216 | 602.46a |
| 1917 | 294 | 615.11 and 615.12 |
| 1919 | 54 | 602.46d |
| 1919 | 151 | 691.881 to 691.883 |
| 1919 | 231 | 691.348d |
| 1919 | 311 | 691.350a and 691.350b |
| 1921 | 178 | 691.641 to 691.643 |
| 1921 | 179 | 691.631 to 691.633 |
| 1921 | 185 | 691.891 |
| 1921 | 224 | 691.281 |
| 1923 | 31 | 602.119a |
| 1925 | 84 | 691.851 |

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| 1925 | 104 | 691.211 to 691.213 |
| 1925 | 110 | 692.151 to 692.155 |
| 1925 | 122 | 691.2 |
| 1925 | 142 | 691.651 to 691.654 |
| 1925 | 257 | 630.30 |
| 1925 | 389 | 692.251 to 692.268 |
| 1926(Ex.Sess.) | 19 | 692.20 |
| 1927 | 73 | 691.701 |
| 1927 | 313 | 691.231 to 691.233 |
| 1927 | 315 | 691.521 to 691.524 |
| 1929 | 27 | 691.21 |
| 1929 | 36 | 691.501 to 691.507 |
| 1929 | 91 | 691.271 and 691.272 |
| 1929 | 120 | 602.46e |
| 1929 | 147 | 692.551 |
| 1929 | 212 | 691.771 to 691.776 |
| 1929 | 255 | 691.601 |
| 1929 | 294 | 691.611 and 691.612 |
| 1931 | 93 | 691.421 to 691.423 |
| 1931 | 111 | 692.101 to 692.104 |
| 1933 | 153 | 602.101a |
| 1933 | 184 | 691.801 to 691.813 |
| 1933 | 195 | 617.19a |
| 1935 | 41 | 617.85 |
| 1935 | 58 | 691.51 and 691.52 |

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| 1935 | 106 | 691.711 to 691.720 |
| 1937 | 13 | 691.751 |
| 1937 | 31 | 691.781 |
| 1937 | 54 | 619.23a |
| 1937 | 107 | 628.44a |
| 1937 | 135 | 628.47 and 676.37 |
| 1937 | 143 | 692.51 |
| 1937 | 170 | 622.27 and 671.17 |
| 1937 | 171 | 692.501 |
| 1937 | 296 | 691.541 to 691.545 |
| 1939 | 7 | 602.57a |
| 1939 | 132 | 678.2a |
| 1939 | 135 | 691.101 to 691.123 |
| 1939 | 297 | 691.583 |
| 1939 | 317 | 645.24 |
| 1941 | 4 | 612.2a |
| 1941 | 6 | 628.1a |
| 1941 | 7 | 691.661 and 691.662 |
| 1941 | 18 | 691.671 |
| 1941 | 123 | 691.531 |
| 1941 | 137 | 691.111a and 691.112a |
| 1941 | 265 | 676.38 |
| 1941 | 270 | 691.401 and 691.402 |
| 1941 | 286 | 691.803a |
| 1941 | 303 | 691.561 to 691.564 |
| 1942(2d.Ex.Sess.) | 9 | 601.53a |
| 1945 | 87 | 691.141 |
| 1945 | 127 | 691.151 and 691.152 |
| 1945 | 222 | 628.48 |
| 1945 | 309 | 691.901 to 691.911 |

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| 1945 | 311 | 691.348e and 691.348f 602.45a |
| 1947 | 8 | 606.5 |
| 1947 | 21 | 614.16 |
| 1947 | 141 | 678.21a |
| 1947 | 183 | 602.45b |
| 1949 | 136 | 692.601 and 692.602 691.921 |
| 1949 | 138 | 667.29 |
| 1949 | 304 | 602.45c |
| 1951 | 6 | 692.621 to 692.624 692.641 to 692.643 692.701 to 692.707 692.661 and 692.662 617.40a 618.38a 692.671 to 692.676 602.39b and 602.45d 692.751 to 692.754 692.708 691.348g 692.721 to 692.724 691.351 692.581 691.931 to 691.935 676.39 602.46f 691.951 and 691.952 676.1a |
| 1951 | 135 | |
| 1952 | 28 | |
| 1952 | 37 | |
| 1952 | 269 | |
| 1953 | 45 | |
| 1953 | 48 | |
| 1953 | 56 | |
| 1953 | 164 | |
| 1953 | 177 | |
| 1954 | 128 | |
| 1954 | 162 | |
| 1954 | 177 | |
| 1954 | 195 | |
| 1955 | 261 | |
| 1956 | 67 | |
| 1956 | 116 | |
| 1957 | 114 | |
| 1957 | 127 | |
| 1957 | 130 | |
| 1957 | 149 | |

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| 1957 | 218 | 671.18 |
| 1957 | 234 | 692.821 |
| | | and |
| | | 692.822 |
| 1957 | 237 | 602.96a |
| 1958 | 44 | 691.463a |
| 1958 | 126 | 692.841 |
| | | to |
| | | 692.850 |
| 1958 | 182 | 692.861 |
| 1959 | 1 | 691.248b |
| 1959 | 161 | 691.481 |
| | | to |
| | | 691.492 |
| 1959 | 167 | 691.721 |
| 1959 | 249 | 669.17a |

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.9905 Savings clause; special cases and proceedings; law applicable.

Sec. 9905. (1) Except as specifically stated or reasonably inferred from the provisions of this act, this act shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this act takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as if this act had not been passed.

(2) Laws relating to actions in special cases and in special proceedings, the subject matter of which is not embraced within the provisions of this act, and not specifically repealed, are not to be deemed repealed or superseded by this act, but the same are retained and the procedure therein shall be as in such laws provided.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.9906 Special nonsevering clause as to court fees and retirement funds.

Sec. 9906. Notwithstanding section 5 of chapter 1 of the Revised Statutes of 1846, being section 8.5 of the Compiled Laws of 1948, if any part of section 2528 is declared to be unconstitutional by a court of competent jurisdiction, the entire section 2528 shall be deemed unconstitutional and inoperative.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.9911 Effective date of act.

Sec. 9911. This act shall become effective on January 1, 1963.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.9921 Courts abolished; extension of term of certain judges.

Sec. 9921. (1) Effective January 1, 1969, the following courts are abolished except as provided in section 9928:

- (a) Justices of the peace.
- (b) Circuit court commissioners.
- (c) Municipal courts.
- (d) Police courts.
- (e) Records court of the city of Cadillac.

(2) Notwithstanding any provision of law or charter to the contrary, the term of office of all incumbent municipal and associate municipal judges ending at any time prior to December 31, 1968, is extended through December 31, 1968.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9922 Transfer of duties and powers to district court; circuit court referees.

Sec. 9922. All duties and powers which by law may be performed by justices of the peace, circuit court commissioners, judges of municipal courts, judges of police courts and judges of the records court of Cadillac shall be performed after December 31, 1968 by the district court. In any district in which there is a common pleas court, the duties and powers of the circuit court commissioner shall be performed by 4 referees appointed by the circuit court, which referees shall be court clerks of the circuit court commissioners court

with 25 years' experience as such court clerks, and if an insufficient number of such qualified court clerks are available, the remaining referees shall be persons licensed to practice law in this state. The present employees of the circuit court commissioners shall become employees of the circuit court in similar positions with salary ranges and benefits not inferior to their present status. The circuit court shall appoint all bailiffs of the superseded circuit court commissioner's court to continue to act as bailiffs and to serve all process in the same manner and with the same fee schedule as formerly issued by the circuit court commissioner's court and formerly served by such bailiffs. All the rights, privileges and benefits of the bailiffs shall be maintained. Appeals from the referee shall be to the circuit court in the manner prescribed by rules of the supreme court. Fees payable under any statutory provisions for the performance of any of the duties of the offices abolished by this act shall be payable to the clerk of the district court for forwarding to the political subdivision involved. Unless the context otherwise indicates references in all laws to the courts so abolished shall be deemed to refer to the district court. This act shall supersede and revoke any acts or parts of acts in conflict with its provisions but only to the extent of such conflict.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9923 Municipal judges in third class districts.

Sec. 9923. (1) After December 31, 1968, any elected incumbent associate municipal judge who is prohibited from practicing law pursuant to state statute or city charter or ordinance and any elected incumbent municipal judge who serves in a city which is in and of itself a district of the third class or an election division thereof or who serves in a city which contains more than 85% of the population of a district of the third class, and whose term of office does not expire until after December 31, 1968, shall become a judge of the district court, unless he files with the city clerk within 10 days after the effective date of this section, an affidavit of intent not to be made a district judge, and shall serve through December 31 of the year in which his term as municipal or associate municipal judge would normally expire, except that when such term would normally expire in an odd numbered year he shall serve as district judge through December 31 of the next even numbered year. Commencing with the 1968 general elections, the number of district judges to be elected in a district of the third class or an election division thereof shall be reduced by the number of municipal and associate municipal judges made district judges under this subsection. As the term of each such municipal and associate municipal judge becoming a judge of the district court expires, the number of district judges to be elected within such district or election division thereof shall be increased by 1. This subsection shall not apply to any city having more such elected incumbent municipal and associate municipal judges than the number of district judges authorized such city pursuant to the provisions of this act.

(2) In seeking election after the 1968 general election to the district court, such judges or associate judges becoming judges of the district court may file affidavits of candidacy in like manner as elected incumbent district court judges and shall be entitled to designation on the ballot as a judge of the district court.

(3) In the primary and general election of judges of the district court to be held in 1968 any elected incumbent municipal or associate municipal judge who is a candidate for district judge shall be entitled to the designation on the ballot that he holds the judicial office of which he is then incumbent.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

Constitutionality: This section was held to constitute an abuse of elective franchise, since only municipal judges were granted right of incumbency designation on the ballot, thereby giving candidate an unfair advantage. Wells v Kent County Board of Election Commissioners, 382 Mich 112; 168 NW2d 222 (1969).

600.9924 Transfer of files, records, funds, and pending cases of abolished courts to district court; powers and jurisdiction of district court; orders and judgments appealable; exceptions; effect of reconstituting district court districts into single district.

Sec. 9924. (1) All files, records, funds, and pending cases of the courts abolished under section 9921 or courts or divisions of courts abolished on or after April 1, 1973, and succeeded by the district court shall be transferred to the district court of the district in which the courts have served, in accordance with rules prescribed by the supreme court, and the district court shall exercise all powers in regard thereto as provided by rules of the supreme court. The district court shall have jurisdiction to hear and determine all cases transferred under this section, and shall exercise all authority with regard to those cases as though the cases had been commenced in district court. All orders and judgments of courts or divisions of courts abolished on or after May 1, 1981, and succeeded by the district court shall be appealable in like manner and to the same courts as applicable before that date. This subsection shall not apply to files, records, funds, and pending cases of the traffic and ordinance division of the recorder's court which are transferred to the recorder's court pursuant to section 38 of Act No. 369 of the Public Acts of 1919, being section 725.38 of the Michigan Compiled Laws.

(2) When 2 or more district court districts are reconstituted into a single district, all files, records, funds, property, and pending cases of the district court of the abolished districts shall be transferred to the district court of the reconstituted district. The district court of the reconstituted district shall exercise all powers with regard to transferred files, records, funds, property, and cases as the district courts of the abolished districts could have exercised before the reconstitution. The district court of the reconstituted district shall have jurisdiction to hear and determine all cases transferred to it from the district courts of the abolished districts.

(3) When 2 or more district court districts are reconstituted into a single district, each incumbent district judge of the abolished district or reconstituted district shall serve as a district judge of the reconstituted district until the expiration of the term for which he or she was elected or appointed and shall be considered an incumbent district judge of the reconstituted district for all purposes for the balance of that term.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1972, Act 363, Eff. Apr. 1, 1973;—Am. 1980, Act 438, Eff. Sept. 1, 1981.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

600.9924a Destruction of documents or records; exceptions; right to move for order setting aside conviction.

Sec. 9924a. The records, files, pleadings, process, papers, dockets, journals and indices of justices of the peace, justice courts, municipal courts, police courts and the recorders court of the city of Cadillac abolished effective January 1, 1969, may be destroyed on or after January 1, 1977, except that dockets, journals and indices of those courts and justices of the peace may be disposed of only upon compliance with section 5 of Act No. 271 of the Public Acts of 1931, as amended, being section 399.5 of the Michigan Compiled Laws. This section shall not apply to a document or record subpoenaed by a court or otherwise ordered maintained and preserved for use as evidence upon the order of a court of competent jurisdiction before January 1, 1977. This section shall not bar or impair the right of a defendant to move the district court successor to the convicting court pursuant to Act No. 213 of the Public Acts of 1965, being sections 780.621 and 780.622 of the Michigan Compiled Laws, for an order setting aside the conviction.

History: Add. 1976, Act 381, Imd. Eff. Dec. 28, 1976.

600.9925 Primary election in 1968.

Sec. 9925. In the primary election of judges of the district court to be held in 1968, all candidates for the office shall file petitions or a filing fee of \$100.00 as provided by law.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9926 Election in 1968; terms.

Sec. 9926. (1) The first general election of judges of the district court shall be held in 1968 and in that election only, the terms of office of the judges of the district court shall be as follows:

NUMBER OF JUDGES TO BE ELECTED IN

A DISTRICT OR DIVISION

1

2

LENGTH OF TERM OF JUDGES

4 years

1 judge 4 years;

1 judge 6 years.

| | |
|------------------|----------------------------|
| 3 | 1 judge 4 years; |
| | 1 judge 6 years; |
| | 1 judge 8 years. |
| 4 or more judges | 1/3 of the judges 4 years; |
| | 1/3 of the judges 6 years; |
| | and 1/3 of the judges |
| | 8 years. |

(2) Where the number of judges to be elected in 1968 are not divisible by 3, there shall first be an additional 1 for a term of 4 years and then an additional 1 for a term of 6 years.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9926a Repealed. 1982, Act 149, Imd. Eff. May 6, 1982.

Compiler's note: The repealed section pertained to staggered terms for district judges in certain districts.

600.9927 Election of 1968; terms; determination.

Sec. 9927. The candidates receiving the highest number of votes in the 1968 general election shall serve the longest terms available at such election.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9928 Municipal courts; retention in certain cities.

Sec. 9928. (1) The district court shall not function nor shall district judges be elected in any district of the third class in which 1 or more cities which maintain municipal or police courts and which contain, individually or in the aggregate, more than 50% of the population of the district elect to retain their municipal or police courts by resolution adopted by their respective governing bodies within 7 days after the effective date of this section.

(2) Municipal and police courts retained under the provisions of this section shall perform all duties and powers which by law may be performed by justices of the peace and the circuit court commissioners.

(3) The jurisdiction of such municipal or police courts is limited to their respective cities except that where the district contains 1 or more townships such courts shall exercise the same jurisdiction and powers in such townships as they exercise in their respective cities.

(4) Notwithstanding any other provision of law, a city shall not establish a municipal or police court after July 1, 1968.

(5) The city clerks of cities adopting resolutions under this section shall file copies of such resolutions with the court administrator within 30 days after the adoption of such resolutions.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.9930 Municipal courts; abolition; function of district court; judges; transfer of cases; employees; municipal judge as district judge; retention of municipal court; resolutions; filing.

Sec. 9930. (1) Effective January 1, 1971, all municipal courts which were not abolished by section 9921 due to the action of municipal governing bodies pursuant to the provisions of section 9928 are abolished.

(2) Effective January 1, 1971, the district court shall function in those districts in which municipal courts were retained under section 9928 except as otherwise provided in subsection (8). In such districts, district judges shall be elected in 1970 as provided in chapter 21a of Act No. 116 of the Public Acts of 1954, being sections 168.467 to 168.467m of the Compiled Laws of 1948. Except as otherwise provided in subsection (7), the number of district judges to be elected in each such district or election division thereof shall be as provided in chapter 81.

(3) Where only 1 judge is to be elected in a district or election division at the 1970 general election, he shall serve a term of 6 years. Where 2 or more judges are to be elected in a district or election division at the 1970 general election, their terms of office shall be determined in accordance with the formula prescribed in section 9926 for the 1968 general election, and the candidates who receive the highest number of votes in the 1970 general election shall serve the longest terms available at that election.

(4) All files, records, funds and pending cases of municipal courts abolished by this section shall be transferred to the district court in the same manner as prescribed in section 9924. The district court shall have jurisdiction to hear and determine all cases transferred under this section. All causes of action so transferred shall be as valid and subsisting as they were in the court from which they were transferred. All orders and judgments entered prior to January 1, 1971, by municipal courts abolished by this section shall be appealable in like manner and to the same courts as applicable prior to January 1, 1971.

(5) The rights and privileges accorded under subsections (4) and (5) of section 8271 to employees of courts

abolished by section 9921 shall apply to employees of the municipal courts abolished by this section to the same extent and effect.

(6) After the effective date of this amendatory act, the term of office of all incumbent municipal and associate municipal judges ending prior to December 31, 1970, is extended through December 31, 1970, notwithstanding any provision of law or charter to the contrary.

(7) Where the total number of incumbent attorney municipal judges, in all cities having a population of 22,500 or more within a district of the third class or election division thereof, having terms of office which do not expire until after December 31, 1970, is equal to or less than the number of district judges to which such district or election division is entitled, such judge or judges shall become a judge of the district court, unless he files with the city clerk of the city in which he serves on or before May 1, 1970, an affidavit of intent not to be made a district judge, and shall serve through December 31 of the year in which his term as municipal judge would normally expire, except that when such term would normally expire in an odd numbered year he shall serve as a district judge through December 31 of the next even numbered year. Commencing with the 1970 general elections, the number of district judges to be elected in a district of the third class or an election division thereof, under the provisions of this section, shall be reduced by the number of municipal judges made district judges under this subsection. As the term of each such municipal judge becoming a judge of the district court expires, the number of district judges to be elected within such district or election division thereof shall be increased by 1. Under this subsection the term "municipal judge" or "municipal judges" shall be deemed to include an associate municipal judge only if such associate municipal judge is prohibited from practicing law pursuant to city charter or ordinance. In seeking election after the 1970 general election to the district court, such judges becoming judges of the district court may file affidavits of candidacy in like manner as elected incumbent district court judges and shall be entitled to designation on the ballot as a judge of the district court.

(8) The district court shall not function nor shall district judges be elected in any district of the third class in which 1 or more cities presently maintain municipal courts if:

(a) In a district which has only 1 city which maintains a municipal court, the governing body of that city elects to retain its municipal court by resolution adopted by its governing body within 17 days after the effective date of this 1969 amendatory act.

(b) In a district which has 2 cities which maintain municipal courts, the city having the largest population of those 2 cities elects to retain its municipal court by resolution adopted by its governing body within 17 days after the effective date of this 1969 amendatory act.

(c) In a district which has more than 2 cities which maintain municipal courts, a majority of the cities within the district elect to retain their municipal courts by resolution adopted by their respective governing bodies within 17 days after the effective date of this 1969 amendatory act.

(9) The city clerk of cities adopting resolutions under subsection (8) shall file copies of the resolutions with the court administrator and with the elections division of the department of state within 30 days after the adoption of the resolutions.

History: Add. 1969, Act 344, Imd. Eff. Jan. 3, 1970.

600.9931 Detroit recorder's court; abolishment; merger; incumbent judges; transfer of files, records, and pending cases; jurisdiction; appropriation by Wayne county; appointment, supervision, discipline, or dismissal of employees; personal property of court; reimbursement.

Sec. 9931. (1) The recorder's court of the city of Detroit is abolished and merged with the third judicial circuit of the circuit court effective October 1, 1997. The incumbent judges of the recorder's court of the city of Detroit on September 30, 1997 shall become judges of the third judicial circuit of the circuit court on October 1, 1997, and shall serve as circuit judges until January 1 of the year in which their terms as judges of the recorder's court of the city of Detroit would normally have expired. Effective October 1, 1997, each incumbent judge of the recorder's court of the city of Detroit who was appointed to that office by the governor after the filing deadline for the August primary preceding the general election of 1996 shall become a judge of the third circuit of the circuit court and shall serve as a circuit judge until January 1 next succeeding the first general election held after the vacancy to which he or she was appointed occurs, at which election a successor shall be elected for the remainder of the unexpired term which the predecessor incumbent of the recorder's court would have served had that incumbent remained in office until his or her term would normally have expired. In seeking election to the third circuit of the circuit court after October 1, 1997, a judge of the recorder's court becoming a judge of the third circuit of the circuit court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the circuit court, and shall be entitled to designation on the ballot as a judge of the circuit court.

(2) Effective October 1, 1997, all files, records, and pending cases of the recorder's court shall be transferred to the third judicial circuit of the circuit court in accordance with rules prescribed by the supreme court, and the circuit court shall exercise all powers in regard to those files, records, and cases as provided by rules of the supreme court. The third judicial circuit of the circuit court shall have jurisdiction to hear and determine all cases transferred under this section, and shall exercise all authority with regard to those cases as though the cases had been commenced in that court. All orders and judgments of the recorder's court shall be appealable in like manner and to the same courts as applicable before that date.

(3) The county of Wayne shall appropriate, by line-item or by lump-sum budget, funds for operating and maintaining the recorder's court of the city of Detroit for the period of October 1, 1996 to September 30, 1997. However, before the county may appropriate a lump-sum budget, the chief judge of the recorder's court shall submit to the county a budget request in line-item form with appropriate detail. If the court receives a line-item budget, it shall not exceed a line-item appropriation or transfer funds between line items without the prior approval of the county of Wayne. If the court receives a lump-sum budget, it shall not exceed that budget without the prior approval of the county board of commissioners.

(4) Except as otherwise provided by law, the chief judge of recorder's court shall appoint, supervise, discipline, or dismiss the employees of that court in accordance with applicable personnel policies and procedures and any applicable collective bargaining agreement. Compensation of the employees serving in the recorder's court shall be paid by the county of Wayne.

(5) All personal property, including equipment and furniture, that was owned by the recorder's court on the effective date of the 1996 amendatory act that added this section or that was owned and furnished by the state to the recorder's court on the effective date of the 1996 amendatory act that added this section and all personal property subsequently purchased by or furnished to that court shall remain with that court until October 1, 1996, at which time the property shall become the property of the county of Wayne, and shall continue to be used to the benefit of the recorder's court. The state shall reimburse the county of Wayne for any property furnished by the state to that court that is removed from the court between June 27, 1996 and October 1, 1996.

History: Add. 1996, Act 374, Eff. Oct. 1, 1996.

600.9932 Judge of municipal court of record; chief judge; recorder; salary; additional salary; increase; cost-of-living allowance or other cash.

Sec. 9932. (1) The salary of each judge of a municipal court of record, including the chief judge and recorder, shall be determined as provided in this section.

(2) Subject to subsection (4), each judge of the municipal court of record, including the chief judge and the recorder, shall receive an annual salary from the county in which the court is located in the same amount as paid by the state to circuit judges. The state shall reimburse to the county an amount equal to the annual salary paid by the county to a judge of the municipal court of record under this subsection.

(3) As an additional salary, the city in which the court is located shall pay to each judge of the municipal court of record an amount determined as follows:

(a) Until the salary of a justice of the supreme court exceeds \$128,538.00, each judge shall receive an additional salary of \$43,943.00. If the city pays each judge \$43,943.00 and not less than or more than \$43,943.00, including any cost-of-living allowance, the state shall reimburse the city, for each judge of the municipal court of record, an amount equal to the additional salary paid by the city to a judge of the municipal court of record under this subdivision.

(b) If the salary of a justice of the supreme court exceeds \$128,538.00 but is not more than \$130,633.00, each judge shall receive an additional salary that is the difference between 85% of the salary of a justice of the supreme court and \$65,314.00. If the city pays each judge the difference between 85% of the salary of a justice of the supreme court and \$65,314.00, the state shall reimburse to the city that amount. If the city pays any judge an additional salary, including any cost-of-living allowance, that exceeds that amount, the city is not entitled to reimbursement from the state under this subdivision.

(c) If the salary of a justice of the supreme court exceeds \$130,633.00, each judge shall receive an additional salary of \$45,724.00. If the city pays each judge \$45,724.00, the state shall reimburse to the city that amount. If the city pays any judge an additional salary, including any cost-of-living allowance, that exceeds \$45,724.00, the city is not entitled to reimbursement from the state under this subdivision.

(4) An increase in the amount of salary payable to a judge under subsection (2) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase shall be retroactive to January 1 of that year.

(5) Neither the county nor the city shall pay a cost-of-living allowance or any other cash compensation, other than the salaries authorized by subsections (2) to (3), to a judge of the municipal court of record.

History: Add. 1996, Act 374, Eff. Jan. 1, 1997.

600.9934 Commencement of district court function in forty-fifth-a and forty-fifth-b districts; abolition of municipal courts; judges of forty-fifth-a and forty-fifth-b districts; terms; affidavit of candidacy; designation of judge on ballot.

Sec. 9934. (1) The district court shall commence to function in the forty-fifth-a and forty-fifth-b districts as of January 1, 1975 and as of that date all municipal courts within the district shall be abolished.

(2) Effective January 1, 1975, the elected incumbent attorney municipal judge of the city of Berkley shall become the judge of the district court within the forty-fifth-a district and shall serve as a district judge until 12 noon of January 1 of the odd numbered year next following the date on which his term as municipal judge would normally have expired. In seeking election to the district court after January 1, 1975, the municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court.

(3) Effective January 1, 1975, the elected incumbent attorney municipal judge and associate municipal judge of the city of Oak Park shall become judges of the district court within the forty-fifth-b district and each shall serve as a district judge until 12 noon of January 1 of the odd numbered year next following the date on which his term as municipal judge would normally have expired. In seeking election to the district court after January 1, 1975, a municipal or associate municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court.

History: Add. 1974, Act 145, Imd. Eff. June 7, 1974.

Constitutionality: The legislature, in enacting this section, has not overstepped the boundaries specified in Const 1963, art VI, § 23. *Schwartz v Secretary of State*, 393 Mich 42; 222 NW2d 517 (1974).

Compiler's note: Sections 2 to 7 of Act 145 of 1974 provide:

“Effective date of changes.

“Section 2. The changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1975.

“Election of additional circuit and district judges; assumption of office; appearance of new judgeships on ballot; nominating petitions; incumbent judges.

“Section 3. The additional circuit and district judges authorized by this amendatory act shall be elected in 1974 and shall assume office on January 1, 1975. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective judicial circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing his nominating petitions, whether he is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act must bear signatures affixed thereto after the effective date of this act. Any incumbent circuit or district judge whose term is expiring January 1, 1975, and who is seeking election to a judicial office of the same court in 1974 is entitled to the designation of his office even if he is a candidate for a new office of the same court authorized by this amendatory act.

“Nominating petitions.

“Section 4. Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/2 of 1% nor more than 2% of the total number of votes cast in that judicial circuit for secretary of state at the last preceding general November election in which a secretary of state was elected.

“Nomination, election, and terms of candidates for new circuit judgeships.

“Section 5. Notwithstanding the provisions of sections 3 and 4 of Act No. 169 of the Public Acts of 1972, the 10 candidates for the new circuit judgeships in the third judicial circuit created by Act No. 169 of the Public Acts of 1972 who receive the highest votes in the August primary election shall be deemed nominated for the 5 new judgeships created thereby. Of the additional judgeships so created for the third judicial circuit the candidate receiving the highest number of votes in the 1974 general election shall be elected for a term of 10 years, the candidates receiving the second and third highest number of votes shall be elected for a term of 8 years, and the candidates receiving the fourth and fifth highest number of votes shall be elected for a term of 6 years.

“Terms of additional circuit judges.

“Section 6. The additional circuit judges authorized by this amendatory act shall be elected for a term of 6 years except that the additional circuit judge authorized by this amendatory act in the forty-fourth judicial circuit shall be elected for a term of 8 years.

“Terms of additional district judges in certain districts.

“Section 7. In districts in which the district court is already functioning on the effective date of this amendatory act, the additional district judges authorized by this amendatory act shall be elected for a term of 6 years, except that the additional district judges authorized in the first election division of the ninth district and in the fifteenth district shall be elected for a term of 8 years and that the additional district judge authorized in the newly divided forty-first-a district shall be elected for a term of 4 years.”

600.9935 Twenty-fourth, twenty-fifth, and twenty-seventh districts; commencement of district courts and abolition of municipal courts; municipal or associate municipal judges as judges of district courts; election to district court; affidavit of candidacy; designation on

ballot; terms of district judges; certain elections canceled or rendered null and void.

Sec. 9935. (1) Effective December 1, 1977, the district court shall commence to function in the twenty-fourth, twenty-fifth and twenty-seventh districts and as of that date, all municipal courts within those districts shall be abolished.

(2) Effective December 1, 1977, the elected incumbent attorney municipal judges of the cities of Allen Park, Lincoln Park, Melvindale, Riverview, and Wyandotte and the elected incumbent attorney associate municipal judge of the city of Lincoln Park shall become judges of the district court within the districts and election divisions provided in section 8121 and shall serve as district judges until 12 noon of January 1 of the odd numbered year next following the date on which their terms as municipal or associate municipal judges would normally have expired. In seeking election to the district court after December 1, 1977, a municipal or associate municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court. Where the terms of any 2 district judges in such a district or election division expire at the same time, the candidate receiving the highest number of votes in the general election to fill those offices shall serve a term of 6 years and the candidate receiving the next highest number of votes shall serve a term of 4 years.

(3) Due to the abolishing of municipal courts in the district court districts listed in subsection (1) as of December 1, 1977, any election scheduled for November of 1977 for the office of municipal or associate municipal judge for a municipal court which is abolished under subsection (1) is hereby canceled and any filing, primary election, or general election for such an office which may occur before this section is enacted into law is hereby rendered null and void.

History: Add. 1977, Act 129, Imd. Eff. Oct. 21, 1977.

600.9936 Fortieth district and fourth division of fifty-second district; commencement of district courts and abolition of municipal courts; municipal or associate municipal judges as judges of district court; election to district court; affidavit of candidacy; designation on ballot; terms of district judges.

Sec. 9936. (1) Effective November 1, 1978, the district court shall commence to function in the fortieth district and in the fourth division of the fifty-second district and as of that date, all municipal courts within that district and that election division shall be abolished.

(2) Effective November 1, 1978, the elected incumbent attorney municipal judges of the cities of Saint Clair Shores, Clawson, and Troy and the elected incumbent attorney associate municipal judges of the cities of Saint Clair Shores and Troy shall become judges of the district court within the fortieth district and fourth election division of the fifty-second district as provided in sections 8122 and 8123 respectively and shall serve as district judges until 12 noon of January 1 of the odd numbered year next following the date on which their terms as municipal or associate municipal judges would normally have expired. In seeking election to the district court after November 1, 1978, a municipal or associate municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court. When the terms of any 2 district judges in such a district or election division expire at the same time, the candidate receiving the highest number of votes in the general election to fill those offices shall serve a term of 8 years and the candidate receiving the next highest number of votes shall serve a term of 6 years.

History: Add. 1977, Act 129, Imd. Eff. Oct. 21, 1977.

600.9937 Twenty-sixth, twenty-eighth, thirtieth, thirty-first, thirty-second-a, and sixty-second-b districts; commencement of district courts and abolition of municipal courts; municipal judge as district court judge; reduction of district judges by 1; election to district court; affidavit of candidacy; designation on ballot; election and terms of district judges.

Sec. 9937. (1) Effective January 1, 1979, the district court shall commence to function in the twenty-sixth, twenty-eighth, thirtieth, thirty-first, thirty-second-a, sixty-second-a and sixty-second-b districts and as of that date, all municipal courts within those districts shall be abolished.

(2) Effective January 1, 1979, the elected incumbent attorney municipal judge of the city of Highland Park shall become a judge of the district court within the thirtieth district as provided in section 8121(15) and shall serve as a district judge until 12 noon of January 1 of the odd numbered year next following the date on which his term as municipal judge would normally have expired. The number of district judges to be elected under subsection (3) in 1978 in the thirtieth district shall accordingly be reduced by 1. In seeking election to the

district court after January 1, 1979, the municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court.

(3) In the twenty-sixth, twenty-eighth, thirtieth, thirty-first, thirty-second-a, sixty-second-a and sixty-second-b districts in which municipal courts are abolished pursuant to subsection (1), district judges shall be elected in 1978 as provided in chapter 21A of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467m of the Michigan Compiled Laws. Except as otherwise provided in subsection (2), the number of district judges to be elected in each district or election division shall be as provided in sections 8121 and 8130. If only 1 judge is to be elected in a district or election division at the 1978 general election, the judge shall serve a term of 6 years. If 2 judges are to be elected in a district or election division at the 1978 general election, the candidate receiving the highest number of votes in the general election to fill those offices shall serve a term of 6 years and the candidate receiving the next highest number of votes shall serve a term of 4 years.

History: Add. 1977, Act 129, Imd. Eff. Oct. 21, 1977.

600.9938 Twenty-third and fifty-ninth districts; commencement of district courts and abolition of municipal courts; municipal judges as district court judges; election to district court; affidavit of candidacy; designation on ballot; terms of district judges; election and term of district judge in fifty-ninth district.

Sec. 9938. (1) Effective January 1, 1980, the district court shall commence to function in the twenty-third district and as of that date, the municipal court within that district shall be abolished. Effective January 1, 1981, the district court shall commence to function in the fifty-ninth district and as of that date, the municipal courts within that district shall be abolished.

(2) Effective January 1, 1980, the elected incumbent attorney municipal judges of the city of Taylor shall become judges of the district court within the twenty-third district as provided in section 8121(8) and shall serve as district judges until 12 noon of January 1 of the odd numbered year next following the date on which their terms as municipal judges would normally have expired. In seeking election to the district court after January 1, 1980, each municipal judge becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court and shall be entitled to designation on the ballot as a judge of the district court. In the first election of district judges in the twenty-third district to be held in the even numbered year preceding the expiration of the incumbents' terms as provided in this subsection, the candidate receiving the highest number of votes in the general election to fill those offices shall serve a term of 6 years and the candidate receiving the next highest number of votes shall serve a term of 4 years.

(3) In the fifty-ninth district, the district judge provided in section 8128a shall be elected in 1980 as provided in chapter 21A of Act No. 116 of the Public Acts of 1954, as amended, for a term of 6 years.

History: Add. 1977, Act 129, Imd. Eff. Oct. 21, 1977.

600.9938a Thirty-eighth district; function and establishment of district court.

Sec. 9938a. (1) Effective January 1, 2004, the district court shall commence to function in the thirty-eighth district and, as of that date, the municipal court within that district is abolished. The terms of the incumbent municipal judges in Eastpointe shall expire at 12 midnight on December 31, 2003. The judgeship in the thirty-eighth district of the district court, as authorized under section 8122(2), shall be filled in a special election held in November 2003, in conjunction with the November 2003 Eastpointe municipal election, in the manner provided by law. For purposes of the November 2003 special election only, the term of the candidate for district judge in the thirty-eighth district who receives the highest number of votes shall be 5 years.

(2) All causes of action transferred to the thirty-eighth district court pursuant to section 9924(1) shall be as valid and subsisting as they were in the municipal court from which they were transferred. All orders and judgments entered before January 1, 2004 in the municipal court abolished pursuant to subsection (1) are appealable in like manner and to the same courts as applicable before that date.

(3) Subsections (1) and (2) do not apply, and any district judgeship proposed for the thirty-eighth district is not authorized or filled by election, unless the city of Eastpointe, by resolution adopted by its governing body, approves the establishment of the district court in the thirty-eighth district and the district judgeship proposed for the thirty-eighth district and unless the clerk of the city of Eastpointe files a copy of the resolution with the secretary of state not earlier than the effective date of this section and not later than 4 p.m. April 12, 2003. Upon receiving a copy of the resolution, the secretary of state shall immediately notify the state court administrator with respect to the establishment of the district court in the thirty-eighth district and the district

judgeship authorized for the thirty-eighth district.

(4) By enacting this section, the legislature is not mandating that the district court function in the thirty-eighth district and is not mandating any judgeship in the district. If the city of Eastpointe, acting through its governing body, approves the establishment of the district court in the thirty-eighth district and any district judgeship proposed by law for that district, that approval constitutes an exercise of that city's option to provide a new activity or service or to increase the level of activity or service offered in the city beyond that required by existing law, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the city of all expenses and capital improvements which may result from the establishment of the district court in the thirty-eighth district and any judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of any district judge's salary as provided by law, or to appropriate and disburse funds to the city or incorporated village for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

History: Add. 2002, Act 681, Imd. Eff. Dec. 30, 2002.

600.9939 Causes of action transferred to district court valid and subsisting; orders and judgments appealable; rights and privileges applicable to employees of abolished municipal courts.

Sec. 9939. (1) All causes of action transferred to the district court pursuant to section 9924 (1) shall be as valid and subsisting as they were in the court from which they were transferred. All orders and judgments entered before the respective dates on which municipal courts are abolished pursuant to section 9935, 9936, 9937, or 9938 shall be appealable in like manner and to the same courts as applicable before those respective dates.

(2) The rights and privileges accorded under section 8271 (4) and (5) to employees of courts abolished by section 9921 shall apply to employees of the municipal courts abolished by sections 9935, 9936, 9937, or 9938 to the same extent and effect.

History: Add. 1977, Act 129, Imd. Eff. Oct. 21, 1977.

600.9940 District court; commencement in thirty-second-b district; abolition of municipal courts; expiration of terms of incumbent municipal judges; election and term of district court judge; causes of action, orders, and judgments; rights and privileges of employees of abolished municipal courts; resolution approving establishment of district court and district judgeship; adoption and filing; notice to state court administrator; second district court judgeship; effect of approval; expenses and capital improvements; obligation of state.

Sec. 9940. (1) Subject to subsection (5), the district court shall commence to function as of January 1, 1983 in the thirty-second-b district and as of that date, all municipal courts within that district shall be abolished. The term of the incumbent municipal judges in each city which will comprise the thirty-second-b district on January 1, 1983, shall expire at 12 p.m. on December 31, 1982.

(2) In the first election of a district court judge for the thirty-second-b district, the candidate receiving the highest number of votes in the general election to fill that office shall serve a term of 6 years. The election of the district court judge for the thirty-second-b district shall take place pursuant to chapter XXIA of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(3) All causes of action transferred to the district court pursuant to section 9924(1) shall be as valid and subsisting as they were in the court from which they were transferred. All orders and judgments entered before January 1, 1983, in the municipal courts which are abolished pursuant to subsection (1) shall be appealable in like manner and to the same courts as applicable before that date.

(4) The rights and privileges accorded under section 8271(4), (5), and (6) to employees of courts abolished by section 9921 shall apply to employees of the municipal courts abolished by subsection (1) to the same extent and effect.

(5) Subsections (1) to (4) shall not apply nor shall any district judgeship proposed for the thirty-second-b district be authorized or filled by election unless each city and incorporated village in the thirty-second-b district, by resolution adopted by its governing body, approves the establishment of the district court in the thirty-second-b district and the district judgeship proposed for that district and unless the clerk of each city and incorporated village adopting such a resolution files a copy of the resolution with the secretary of state not later than 4 p.m. of May 11, 1982. The secretary of state shall immediately notify the state court administrator with respect to the establishment of the district court in the thirty-second-b district and the

district judgeship authorized for that district.

(6) If each district control unit authorizes a second district court judgeship pursuant to section 8121(18) and this subsection for 1985, a district judge shall be elected in 1984 for a term of 6 years. If each district control unit authorizes a second district court judgeship pursuant to section 8121(18) and this subsection for 1987, a district judge shall be elected in 1986 for a term of 6 years. The second district judgeship proposed for the thirty-second-b district shall not be authorized to be filled by election unless each district control unit of the district, by resolution of the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the secretary of state not later than 4 p.m. of the twelfth Tuesday preceding the August primary to be held in 1984 or 1986. The secretary of state shall immediately notify the state court administrator with respect to the second district judgeship authorized for the thirty-second-b district. The election of the second district judge for the thirty-second-b district shall take place pursuant to chapter XXIA of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(7) By enacting this section, the legislature is not mandating that the district court function in the thirty-second-b district nor any judgeship in the district. If a city or incorporated village, acting through its governing body, approves the establishment of the district court in the thirty-second-b district and any district judgeship proposed by law for that district, that approval constitutes an exercise of that city's or village's option to provide a new activity or service or to increase the level of activity or service offered in the city or village beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city or incorporated village of all expenses and capital improvements which may result from the establishment of the district court in the thirty-second-b district and any judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of any district judge's salary as provided by law, or to appropriate and disburse funds to the city or incorporated village for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

History: Add. 1980, Act 127, Imd. Eff. May 22, 1980;—Am. 1982, Act 40, Imd. Eff. Mar. 16, 1982.

Compiler's note: In the second sentence of subsection (1), "compromise" evidently should read "comprise".

600.9941 District court in thirty-sixth district; commencement; abolition of common pleas court and traffic and ordinance division of recorder's court; election of district judges; incumbent judge of common pleas court as judge of district court; affidavit of candidacy; elections to fill new district judgeships; terms.

Sec. 9941. (1) Effective September 1, 1981, the district court shall commence to function in the thirty-sixth district and as of that date the common pleas court of the city of Detroit and the traffic and ordinance division of the recorder's court of the city of Detroit are abolished.

(2) In the thirty-sixth district, district judges shall be elected as provided in this section, section 8121a, and chapter 21a of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(3) Effective September 1, 1981, each elected incumbent judge of the common pleas court of the city of Detroit shall become a judge of the district court within the thirty-sixth district and shall serve as a district judge until January 1 of the year in which his or her term as a judge of the common pleas court would normally have expired. Effective September 1, 1981, each incumbent judge of the common pleas court of the city of Detroit who has been appointed to that office by the governor after January 1, 1981, shall become a judge of the district court within the thirty-sixth district and shall serve as a district judge until January 1 next succeeding the first general election held after the vacancy to which he or she was appointed occurs, at which election a successor shall be elected for the remainder of the unexpired term which the predecessor incumbent of the common pleas court serving on December 30, 1980, would have served had that incumbent remained in office until his or her term would normally have expired. In seeking election to the district court after September 1, 1981, a judge of the common pleas court becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court, and shall be entitled to designation on the ballot as a judge of the district court.

(4) Pursuant to the authority granted by section 23 of article 6 of the constitution of 1963, a special primary election shall be held on September 15, 1981, and a special general election shall be held on November 3, 1981, to fill the 7 new offices of district judge created pursuant to section 8121a(3) in the thirty-sixth district of the district court. The 2 candidates receiving the highest number of votes in this special general election in 1981 shall be elected for a term of 9 years, the candidates receiving the third and fourth highest number of

votes shall be elected for a term of 7 years, and the candidates receiving the fifth, sixth, and seventh highest number of votes shall be elected for a term of 5 years.

(5) Seven district judgeships created pursuant to section 8121a(4) for the thirty-sixth district shall be filled by election in 1982. The 2 candidates receiving the highest number of votes in the 1982 general election shall be elected for a term of 8 years, the candidates receiving the third, fourth, and fifth highest number of votes shall be elected for a term of 6 years, and the candidates receiving the sixth and seventh highest number of votes shall be elected for a term of 4 years.

(6) Two district judgeships created pursuant to section 8121a(5) for the thirty-sixth district shall be filled by election in 1984. The 2 candidates receiving the highest number of votes in the 1984 general election shall be elected for a term of 6 years.

History: Add. 1980, Act 438, Eff. May 1, 1981;—Am. 1981, Act 3, Eff. Apr. 30, 1981;—Am. 1981, Act 146, Imd. Eff. Nov. 10, 1981.

Compiler's note: Sections 2 and 3 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of Chapter 91 and certain sections.

“Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.”

Sections 2, 3, and 4 of Act 146 of 1981 provide:

“Repeal of MCL 600.8286, 600.8287, and 600.8288; effective date of repeal; exception.

“Section 2. Except as provided in enacting section 4, sections 8286, 8287, and 8288 of Act No. 236 of the Public Acts of 1961, being sections 600.8286, 600.8287, and 600.8288 of the Compiled Laws of 1970, are repealed effective January 1, 1983.

“Effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501; exception.

“Section 3. Except as provided in enacting section 4, sections 8286, 8287, 8288, and 8501 shall take effect December 1, 1981.

“Conditional effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501, and of enacting Section 2; adoption and filing of resolution by city of Detroit; effect of assuming responsibility for expenses.

“Section 4. (1) Sections 8286, 8287, 8288, and 8501 and enacting section 2 shall not take effect unless the city of Detroit, by resolution adopted not later than November 30, 1981, by the governing body of the city, agrees to assume responsibility for any expenses required of the city by this amendatory act and an authenticated copy is filed with the secretary of state not later than 4 p.m. November 30, 1981.

“(2) If the city of Detroit, acting through its governing body, agrees to assume responsibility for any expenses required of the city by this amendatory act, that action constitutes an exercise of the city's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city of all expenses and capital improvements which may result from establishment of the office of district court referee in the thirty-sixth district of the district court.”

The resolution referred to in Section 4 was adopted by the city council of the city of Detroit on November 25, 1981, and an authenticated copy was filed with the secretary of state at 3:30 p.m. on November 30, 1981.

600.9943 District court in thirty-sixth district; administrative duties and powers; facilities.

Sec. 9943. (1) Commencing on the effective date of this section and until September 1, 1981, the judges of the common pleas court of the city of Detroit shall carry out the administrative duties and shall exercise the administrative powers of the district court for the thirty-sixth district as though the district court were functioning in that district during that time. In performing the administrative duties of the district court for the thirty-sixth district, the judges of the common pleas court of the city of Detroit may perform any act, issue any order, or make any appointment, contract, or agreement, except a collective bargaining agreement, on behalf of the district court for the thirty-sixth district which is reasonably necessary to provide for the district court's full, regular, and effective operation in the thirty-sixth district commencing September 1, 1981, and which is within the authority of district judges under chapters 81 to 86 and 99. However, any appointment made under this subsection shall not supplant employees of the common pleas court of the city of Detroit or of the traffic

and ordinance division of the city of Detroit who are governed by section 8273.

(2) Commencing on the effective date of this section, and in cooperation with the judges of the common pleas court of the city of Detroit, the governing body of the district control unit which will be responsible for financing and maintaining the district court in the thirty-sixth district beginning September 1, 1981, may make any arrangement for the provision of facilities for the court and magistrates which is reasonably necessary to provide for the district court's full, regular, and effective operation in the thirty-sixth district on September 1, 1981.

History: Add. 1980, Act 438, Eff. May 1, 1981.

Compiler's note: Sections 2 and 3 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of Chapter 91 and certain sections.

“Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.”

600.9944 Repealed. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's note: The repealed section pertained to judicial assistants in district court in thirty-sixth district.

600.9945 District court in thirty-sixth district; definitions; ownership and use of personal property; reimbursement of state for property removed and for compensation of employees; payments to state in quarterly installments; appropriation of funds for operating and maintaining court; cost of new facilities; revenue generated by parking violation bureau; audits; applicability of subsections (1) and (3) through (9).

Sec. 9945. (1) As used in this section:

(a) “Base personnel expense” means the total cost of compensation of employees of the state judicial council serving in the district court in the thirty-sixth district paid by the state pursuant to section 8272 between October 1, 1981, and December 31, 1981, plus the amount paid by the state to the state employees' retirement system created by Act No. 240 of the Public Acts of 1943, as amended, being sections 38.1 to 38.47 of the Michigan Compiled Laws, or to the Wayne county employees' retirement system, or the city of Detroit employees' retirement system pursuant to section 8275, for these same employees between October 1, 1981, and December 31, 1981.

(b) “Base incidental court expense” means the total direct cost incurred by the city of Detroit as the district control unit for the thirty-sixth district between October 1, 1981, and December 31, 1981, except expenses for the following:

(i) Facilities provided for the thirty-sixth district under sections 8261, 8262, and 8263.

(ii) Utilities, including telephones.

(iii) Maintaining courtroom security pursuant to section 8283.

(iv) Assigned counsel provided for indigents accused of criminal offenses or ordinance violations, whether before or after conviction.

(v) Base personnel expense as defined in subdivision (a).

(vi) The additional salary paid to a district judge pursuant to section 8202.

(c) “Fixed city obligation” means the difference between the sum of the base incidental court expense and the base personnel expense, and the thirty-sixth district revenue produced between October 1, 1981, and December 31, 1981.

(d) “Thirty-sixth district revenue” means all fees, fines, costs, and other receipts which are received by the district court in the thirty-sixth district and which are paid to the city of Detroit as the district control unit of

that district, except for the following:

(i) Any reimbursement for assigned counsel which is received from a defendant who has been provided counsel at the expense of the city of Detroit.

(ii) Any reimbursement by the joint city-county building authority for rent or for repairs or remodeling paid by the city of Detroit for court or district court magistrate facilities.

(2) All personal property, including equipment and furniture, that was owned by the district court in the thirty-sixth district on the effective date of the 1996 amendatory act that amended this section or that was owned and furnished by the state to the district court in the thirty-sixth district, on the effective date of the 1996 amendatory act that amended this section and all personal property subsequently purchased by or furnished to that court shall remain with the court until October 1, 1996, at which time the property shall become the property of the city of Detroit, and shall continue to be used to the benefit of the district court in the thirty-sixth district. The state shall reimburse the city for any property furnished by the state which is removed from the court between June 27, 1996, and the effective date of the 1996 amendatory act that amended this section.

(3) Between September 1, 1981, and September 30, 1982, the city of Detroit shall reimburse the state for the total cost of compensation of employees of the state judicial council serving in the district court in the thirty-sixth district paid by the state pursuant to section 8272, plus the amount paid by the state to the state employees' retirement system created by Act No. 240 of the Public Acts of 1943, as amended, being sections 38.1 to 38.47 of the Michigan Compiled Laws, or to the Wayne county employees' retirement system, or the city of Detroit employees retirement system pursuant to section 8275, for these same employees.

(4) In each fiscal year beginning after September 30, 1982, the city shall pay to the state, in quarterly installments, the following:

(a) Four times the amount of the fixed city obligation.

(b) All thirty-sixth district revenue in excess of 4 times the amount of the base incidental court expense, up to an amount which equals the difference between the following:

(i) The sum of the state's appropriation under subsection (6) and the state's appropriation to pay personnel costs under sections 8272 and 8275.

(ii) Four times the fixed city obligation.

(5) In any fiscal year beginning after September 30, 1982, in which the payment to the state under subsection (4)(b) reaches the maximum amount allowed under subsection (4)(b), the city shall pay to the state 1/2 of all thirty-sixth district revenue in excess of that amount.

(6) For each fiscal year beginning after September 30, 1982, the city of Detroit as district control unit of the district court in the thirty-sixth district shall appropriate funds for operating and maintaining the district court in that district, excluding the expenses excepted in subsection (1)(b), in excess of the product of 4 and the base incidental court expense only to the extent that the state appropriates funds to reimburse the city of Detroit for that purpose.

(7) The cost of any new facilities provided for the district court in the thirty-sixth district after September 30, 1982, shall be paid by the state.

(8) If the city of Detroit establishes a parking violation bureau under section 8395, 1/2 of the revenue generated by the bureau after September 30, 1982, in excess of the expense of operating the bureau shall be paid to the state.

(9) For purposes of establishing future city and state financial obligations under the provisions of subsection (4), the auditor general shall conduct an audit of all financial records of expenditures and revenues described in subsection (1) for the periods specified in subsection (1).

(10) To ensure compliance with subsections (4), (5), and (8), the auditor general shall conduct biennial audits of all pertinent financial records.

(11) Subsections (1) and (3) through (9) do not apply after September 30, 1996.

History: Add. 1980, Act 438, Eff. May 1, 1981;—Am. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's note: Sections 2 and 3 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a

voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978."

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

"Effective date of Chapter 91 and certain sections.

"Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981."

600.9946 Expired. 1981, Act 2, Eff. June 30, 1985.

Compiler's note: The expired section provided for a joint legislative committee on state assumption of trial court operation.

600.9947 Appropriation of funds; purpose; applicability of section; trial court operational expenses; monitor of ratio of court operational expenses to court revenues; report; offset to funds to which county or district funding unit entitled under subsection (1); "court revenues" defined; receipt of funds by county or political subdivision.

Sec. 9947. (1) Except as otherwise provided in this act, the legislature shall appropriate sufficient funds in order to fund at least 31.5% of all net trial court operational expenses, subject to the offset provisions of subsection (6), beginning with the state fiscal year that begins October 1, 1993. It is the intent of the legislature that the state will fund the highest percentage of trial court operational expenses, offset by an equivalent percentage of court revenues collected by counties or district control units, as available funds will allow, as determined by the legislature. Except as provided in section 151b(4)(a) and (b), this section shall not apply after September 30, 1996.

(2) As used in this section, "trial court operational expenses" means, for each trial court of record other than a court in a county in which a court receives state appropriations to implement section 563, 564, 592, 593, 594, 595, 8272, 8273, 8275, 9104, or 9943, the sum of the following expenses for the 1990-91 fiscal year, as reported to the state court administrative office, excluding expenses reimbursed by federal friend of the court reimbursement:

(a) Employee compensation, including compensation for county clerk services to the circuit court, other than compensation for courtroom security.

(b) Operational and maintenance expenses other than expenses for facilities, utilities, telephones, and courtroom security.

(c) Assigned counsel provided for indigents accused of criminal offenses or ordinance violations, whether before or after conviction.

(d) Guardians ad litem for indigent persons.

(e) Compensation paid to jurors.

(f) Fees for transcripts that are prepared pursuant to court order.

(g) Expenses incurred as a result of the operating of a probation department.

(3) For purposes of subsection (2)(c), trial courts shall establish minimum standards which must be met by all attorneys serving as assigned counsel. Minimum standards shall be developed in consultation with a local or county bar association.

(4) If a trial court has not reported information on each of the items described in subsection (2) for the 1990-91 fiscal year, as required under subsection (2), the state court administrative office shall calculate the trial court operational expenses for that court based on the information received. A local funding unit may report additional 1990-91 fiscal year trial court operational expenses if the information on the expenses that has already been reported to the state court administrative office is incomplete or incorrect and the additional information is confirmed by an independent audit, paid for by the local funding unit and approved by the state court administrator. Information confirmed by an independent audit shall be included by the state court administrative office in its calculation of trial court operational expenses under this subsection.

(5) The state court administrative office shall monitor the trends in the ratio of trial court operational expenses to court revenues for each county and district funding unit. In analyzing differences in the ratio of court operational expenses to court revenues for a county or district funding unit from the ratio of expenses to court revenues based on expense data reported by that county or district funding unit for 1990-91 and court revenue data reported by that county or district funding unit for 1990-91, the state court administrator shall consider changes in fees impacting revenue generation, changes in court responsibilities impacting workload, statewide trends in expenses to revenue ratios, and increases in expenses due to inflation. Upon determining that the ratio of expenses to court revenues for a county and district funding unit differs significantly from

statewide trends, the state court administrator shall conduct a review of the budget and court management of the court or courts funded by that county or district funding unit. The state court administrator shall then submit a report to the senate and house appropriations subcommittees on general government. In the following state fiscal year, the legislature may authorize adjustments to the funding from the state court fund created in section 151a for which those counties or district funding units would otherwise be entitled pursuant to this section.

(6) The funds to which a county or district funding unit is entitled under subsection (1) shall be offset by the sum of court revenues collected by that county or district funding unit in the 1990-91 state fiscal year and any state funding in the 1990-91 fiscal year received by the county or district funding unit for trial court operational expenses, including judges' salaries, Michigan friend of the court funds, and child care funds. The amount of the offset of court revenues shall be equal to the percentage of trial court operational expenses funded for that county, or, in the case of a district of the third class, that district funding unit. However, an offset under this subsection shall not reduce the funding to which the county or district control unit is entitled to less than zero.

(7) As used in this section, "court revenues" means all fees, fines, and court costs, except the following:

(a) Penal fines.

(b) Revenue dedicated to the state general fund.

(c) Revenue dedicated to a restricted state fund or state purpose.

(d) Revenue dedicated to a friend of the court fund.

(8) A county or political subdivision shall receive funds under this section based on the trial court operational expenses of the courts in the county for which the county or a political subdivision of the county is responsible, offset by the portion of court revenues from those courts to which the county or political subdivision is entitled.

History: Add. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1993, Act 189, Imd. Eff. Oct. 8, 1993;—Am. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

"Conditional effective date; action constituting exercise of option; effect of exercising option.

"Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

"(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978."

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

"Effective date of certain sections.

"Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981."

600.9948 Repealed. 2002, Act 92, Eff. Mar. 31, 2003.

Compiler's note: The repealed section pertained to election districts.